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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

SK Shipping (Singapore) PTE Ltd.

Plaintiff,

- against -

China National Chartering Corporation

Defendant

07 Civ. 03059 (HB)

**SECOND DECLARATION OF  
PHILIP BURNS**

1. This is the Second Declaration I have given in this matter in support of the motion of SK Shipping (Singapore) Pte. Ltd. ("SK Shipping") to confirm the London arbitration award in favor of SK Shipping and against China National Chartering Corporation ("Sinochart"). My first declaration in this matter was executed on June 27, 2007. I give this declaration on personal knowledge.
2. I have read the declaration dated August 16, 2007 of Sinochart's Xing Naiqun, and have the following reaction to those parts of it that concern my dealings with Sinochart.
3. Contrary to Ms. Naiqun's assertions, and as explained below, both Mr. Hammond's September 27, 2006 email notice to Sinochart and my October 27, 2006 email notice to Sinochart were received by Sinochart. Those emails were sent to ops@sinochart.com.cn, which Ms. Naiqun acknowledges is the correct email address for Sinochart. Copies of these emails are attached as Exhibits C and D to my first declaration.

4. Our office's email system is equipped with a feature that notifies us in the event that an email we send does not successfully transmit. In such a situation, we get an electronic message from our System Administrator that the email did not transmit. An example of such notification, received in a claim matter completely unrelated to the instant matter, is attached hereto. (On the attached copy, the subject line has been redacted to protect the confidentiality of this notification.) No such notifications were received from our System Administrator for the said September 27, 2006 and October 27, 2006 emails to Sinochart attached to my first declaration.
5. Paragraph 7 of the Naiqun declaration points to the message indicating that on November 26, 2006 (actually November 20, 2006) Ms. Liu Yan of Sinochart deleted without reading an email from me. In fact, I sent no email to Ms. Liu Yan. The explanation for this must be that the two said emails we sent to ops@sinochart.com.cn were circulated by Sinochart's email system to various people within Sinochart.
6. Ms. Naiqun is correct that my January 15, 2007 letter to Mr. Buchan was not copied to Sinochart. I did not say otherwise in my first declaration. The fact that Sinochart was not copied with that letter was nothing more than a simple oversight on the part of our office.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed at London, England on this 30<sup>th</sup> day of August 2007.

By: \_\_\_\_\_

Philip Burns

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**From:** System Administrator  
**Sent:** Wednesday, August 22, 2007 4:09 PM  
**To:** Burns Philip  
**Subject:** Undeliverable:Delivery Status Notification (Failure)

Your message did not reach some or all of the intended recipients.

Subject: [REDACTED]

The following recipient(s) could not be reached:

MICO (Mutual Insurance Claims Office) B V (Rotterdam) on 22/08/2007 16:03

This message is larger than the current system limit or the recipient's mailbox is full. Create a shorter message body or remove attachments and try sending it again.

<scuarts01.scuart.local #5.2.3>